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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF)	
DANIEL KEVIN RICHARDS)	STIPULATION AND ORDER
UTAH LICENSE #6213279-1701 & 8911)	
TO PRACTICE AS A PHARMACIST AND TO)	
DISPENSE CONTROLLED SUBSTANCES)	CASE NO. DOPL 2021- 11
IN THE STATE OF UTAH)	

DANIEL KEVIN RICHARDS ("Respondent") and the **DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of
the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Pharmacy ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-4-901 through R151-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities.

7. Respondent neither admits nor denies the following, but agrees that the Division shall make the following findings of fact:

- a. Respondent was first licensed to practice as a pharmacist and to dispense controlled substances in the State of Utah on or about June 28, 2010.
- b. Respondent worked at a facility engaged in non-sterile compounding. In 2020 Respondent received bulk amounts of chloroquine and hydroxychloroquine from foreign suppliers which were falsely labeled and non-reliable. The bulk active ingredients in the chloroquine and hydroxychloroquine were not obtained from a facility registered with the US Food and Drug Administration.
- c. In January 2021 Respondent was charged with committing criminal offense involving receiving bulk amounts of falsely labeled chloroquine and/or hydroxychloroquine, in United States District Court for the District of Utah, Central Division.

8. Respondent, while neither admitting nor denying the findings of fact above, agrees that the Division shall make conclusions of law that admits that Respondent's conduct described in paragraph 7(b) above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (b), and Utah Administrative Code R156-17b-502(2)(a), R156-17b-614a(3)(c), USP 795; and 21 USC 331(c); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows:

- (1) Respondent's licenses shall be revoked. The revocation of Respondent's licenses shall be immediately stayed. Respondent's licenses shall be suspended for a period of one year. The suspensions shall be immediately stayed. If Respondent violates any term or condition of this Stipulation and Order; violates any rule or law governing his licenses; or violates any criminal probationary term or other sanction; the Division may immediately move to lift the stay of the suspensions. Respondent's license shall be subject to a term of probation for a period of five years. Respondent may not request early termination of probation. The period of probation shall commence when the Division Director signs the attached Order.

During the period of probation, Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division. Respondent acknowledges that Respondent has no right to request modification of this Stipulation and Order. Respondent agrees that if Respondent requests modification, the Division or Board, within their sole discretion, may agree or refuse to modify this Stipulation and Order. Respondent waives any right to seek reconsideration and any right to appeal any decision made or action taken by the Division or Board.

- (a) **Meetings with Division Compliance Specialist.** Respondent shall contact Division Compliance Specialist Sicily Hill within two weeks of the effective date of this Order to schedule a meeting for the purpose of discussing the terms of the Order. An appointment with Ms. Hill can be scheduled by contacting her by phone at (801) 530-6128 or by email at shill@utah.gov.
- (b) **Meetings with the Board.** Respondent shall meet with the Board and Division at the first scheduled Board meeting after the signing of the accompanying Order and or at a frequency thereafter as determined by the Board and Division, for the duration of the probationary period to assess the progress of Respondent's probation.
- (c) **Written Plan.** After meeting with the Division Compliance Specialist but prior to the first scheduled appointment with the Board, Respondent shall submit to the Division a written plan that summarizes the steps Respondent shall take to ensure full compliance with the terms of probation.
- (d) **Notification of Employer of Stipulation.** Respondent shall notify any employer of Respondent's restricted status and the terms of this Stipulation and Order. Respondent shall provide a copy of this Stipulation and Order to Respondent's employer and cause Respondent's employer to acknowledge to the Division and Board in writing that a copy of the Order has been provided to the employer. The pharmacist-in-charge shall submit employer reports to the Division and Board on a monthly basis for the first six months and quarterly thereafter, or at such frequency as directed by the Division or Board. The employer shall write the Division and indicate whether the employer will provide the periodic employer reports.

- (e) **Supervisor.** Respondent shall practice only under the direct supervision of a pharmacist in good standing with the Division. The supervising pharmacist shall be primarily one (1) person who may periodically delegate her supervisory responsibilities over Respondent to other qualified personnel. The supervising pharmacist shall be approved by the Division and Board. Respondent shall cause Respondent's supervising pharmacist to read this Stipulation and Order in its entirety and cause the supervisor to provide input on Respondent's employer evaluations to the Division and Board. The employer reports shall be submitted to the Division and Board on pre-approved forms, at the frequency directed by the Board. "Direct supervision" as defined in Utah Administrative Code R156-1-102a(4)(a) means that the supervising licensee is present and available for face-to-face communication with Respondent when and where pharmacy services are being provided.
- (f) **Additional Continuing Education.** Respondent shall successfully complete six hours of additional continuing education, pre-approved by the Division and Board, focusing upon areas determined by the Board. The additional continuing education courses shall be completed within one year of the effective date of this Stipulation and Order. The additional continuing education courses shall not count toward Respondent's regular continuing education requirement.
- (g) Respondent shall notify the Division and Board within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation. The notification shall be in writing.
- (h) In the event that Respondent leaves Utah for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the Respondent works less than full-time in

Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week.

- (i) Should other acts of unprofessional conduct come to the attention of the Division or Board which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law.
- (j) Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U.S. Mail, and shall constitute notice to Respondent.
- (k) Failure to pay for any of the costs associated with this probation shall be considered a violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion.
- (l) Respondent agrees to keep Respondent's Utah licenses active during the period of probation.
- (m) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement.
- (n) Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.
- (o) **Fine.** Respondent shall pay a fine to the Division in the amount of \$11,500.00 (eleven thousand five-hundred dollars), pursuant to Utah Code Ann. § 58-17b-401(6), § 58-17b-504, and Utah Administrative Code R156-17b-402. Of that total fine, \$5,750.00 (five-thousand seven hundred fifty dollars) shall be immediately stayed. If Respondent violates this Stipulation and Order or any law or rule governing Respondent's license, the Division may move to lift the stay and require immediately payment of the entire fine amount. Respondent shall pay the unstayed \$5,750.00 (five

thousand seven hundred fifty dollars) portion of the fine to the Division within 90 days of the effective date of this Stipulation and Order.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's

signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

14. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

15. Respondent has read each and every paragraph contained in this Stipulation and

Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: Jennifer Falkenrath
JENNIFER FALKENRATH
Bureau Manager

BY: 
DANIEL KEVIN RICHARDS

DATE: 15 January 2021

DATE: 1/15/2021

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 15 Jan 21

ORDER

THE ABOVE STIPULATION, in the matter of **DANIEL KEVIN RICHARDS**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 15 day of January, 2021.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Jennifer Healey